

Special class on

INDIAN POLITY-LAXMIKANT SERIES- 4

Oct 13, 2020 • Byomkesh Meher



LET'S CRACK UPSC CSE

PRESIDENT AND GOVERNORS

**POLITY BY M.
LAXMIKANTH -
SUMMARY**

By **Byomkesh Meher**

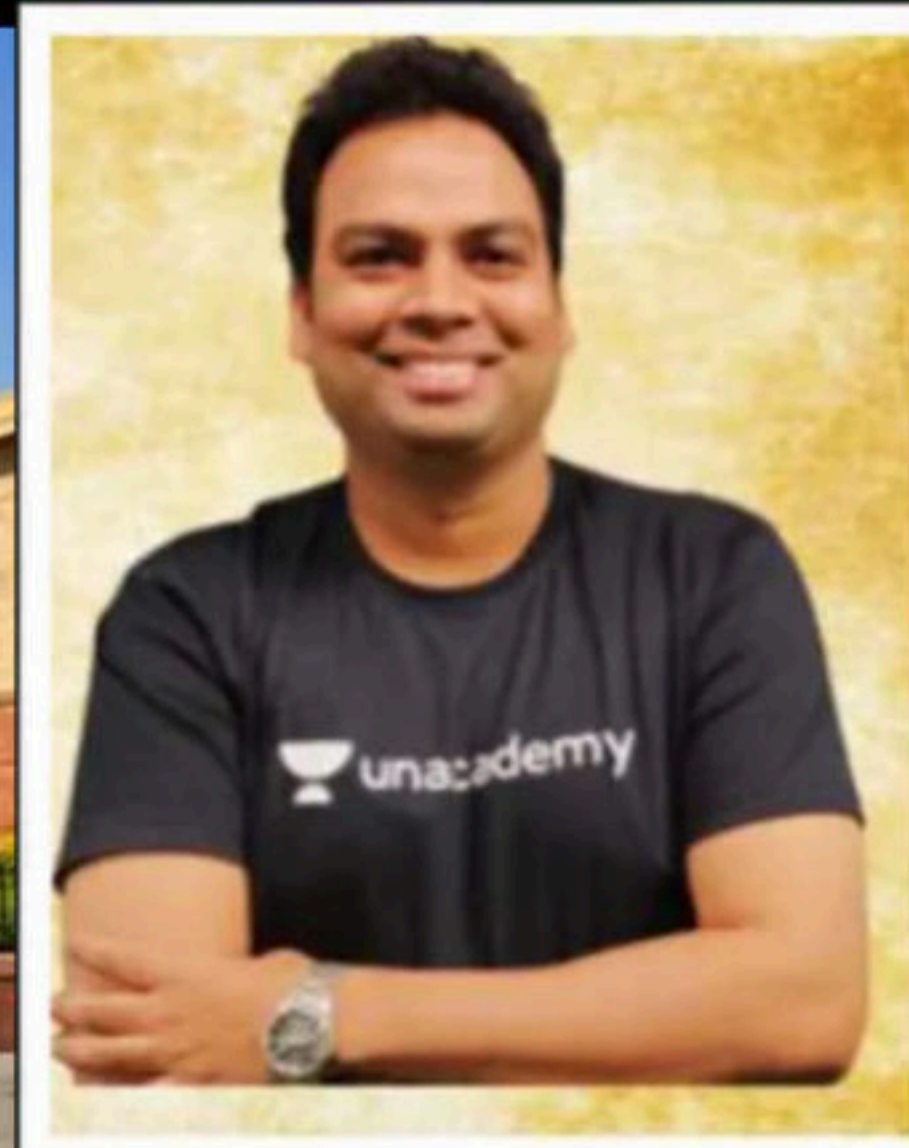


LET'S CRACK UPSC CSE

PRESIDENT AND GOVERNORS

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THE PRESIDENT OF INDIA & GOVERNORS OF STATES

BY BYOMKESH MEHER



INTRODUCTION

- Union Executive – Articles 52 to 78 in Part V of the Constitution of India (COI).





INTRODUCTION

- State Executive – Articles 153 to 167 in Part VI of the Constitution of India (COI).





PRESIDENT

- **Head of the Indian State**
- **1st citizen of India**
- **Acts as the symbol of unity, integrity and solidarity of the nation.**





GOVERNOR

- Chief executive head of the state
- Acts as an agent of the Central Government (dual role of the office of governor)
- Usually, there's a governor for each state, but 7th CAA, 1956 facilitated the appointment of the same person as a governor of two or more states.



ELECTION AND APPOINTMENT





ELECTION OF THE PRESIDENT

- Elected not directly by the people but by members of electoral collage consisting of the elected members of:

1. both the houses of Parliament;

2. the legislative assemblies of the states; and

3. the legislative assemblies of the Union Territories of Delhi and Puducherry.



ELECTION OF THE PRESIDENT

- **Where an assembly is dissolved, the members cease to be qualified to vote in presidential elections to be dissolved assembly are not held before the presidential election.**

ELECTION OF THE PRESIDENT



- The COI provides that there shall be **uniformity in the scale of representation** of different states as a whole and the union at the election of the President.



ELECTION OF THE PRESIDENT

- To achieve this, the no. of votes which each elected member of the legislative assembly of each state and the Parliament is entitled to cast at such election shall be determined in the given manner:

ELECTION OF THE PRESIDENT



$$\text{Value of Vote of MLA} = \frac{\text{Population of the state}}{\text{Elected members of the legislative assembly}} \times \frac{1}{1000}$$

$$\text{Value of Vote of MP} = \frac{\text{Total Number of the Votes assigned to all elected MLAs}}{\text{Total Number of elected MPs}}$$

ELECTION OF THE PRESIDENT



The president's election is held in accordance

- with the system of proportional representation
- by means of the single transferable vote and
- the voting is by secret ballot.





ELECTION OF THE PRESIDENT

- A candidate, to be declared elected to the office of President, **must secure** a fixed quota of votes.
- The **Electoral Quota** (quota of votes) is determined by:

$$\text{Electoral quota} = \frac{\text{Total number of valid votes polled}}{1+1} + 1$$

$1+1=(2)$



ELECTION OF THE PRESIDENT

- Each member of the electoral collage is given one **ballot paper**.
- The voter, while casting the vote, is required to **indicate his preferences** by marking 1, 2, 3, 4, etc. against the candidates' names.

ELECTION OF THE PRESIDENT



1st phase: 1st preference votes counted

In case, a candidate secures the required quota, he is declared elected.

Otherwise, the process of transfer of votes is set in motion.

ELECTION OF THE PRESIDENT



The ballots of the candidate securing the least no. of 1st preference votes are **cancelled** and his 2nd preference votes are **transferred** to the 1st preference votes of other candidates.

This process **continues** till a candidate secures **the required quota.**



ELECTION OF THE PRESIDENT

- All doubts and disputes in connection with election of the President are inquired into and decided by the Supreme Court.
- The election of a person as President cannot be challenged on the ground that the electoral collage was incomplete.



ELECTION OF THE PRESIDENT

If the election of a person as President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated and continue to remain in force.



ELECTIONS OF THE PRESIDENTS (1952-2017)

S. NO.	ELECTION YEAR	VICTORIOUS CANDIDATE
1.	1952	Dr. Rajendra Prasad
2.	1957	Dr. Rajendra Prasad
3.	1962	Dr. S. Radhakrishnan
4.	1967	Dr. Zakir Hussain
5.	1969	V. V. Giri



ELECTIONS OF THE PRESIDENTS (1952-2017)

S. NO.	ELECTION YEAR	VICTORIOUS CANDIDATE
6.	1974	Fakhruddin Ali Ahmed
7.	1977	N. Sanjiva Reddy
8.	1982	Giani Zail Singh
9.	1987	R. Venkataraman
10.	1992	Dr. Shankar Dayal Sharma



ELECTIONS OF THE PRESIDENTS (1952-2017)

S. NO.	ELECTION YEAR	VICTORIOUS CANDIDATE
11.	1997	K. R. Narayanan
12.	2002	Dr. A.P.J. Abdul Kalam
13.	2007	Pratibha Patil
14.	2012	Pranab Mukherjee
15.	2017	Ram Nath Kovind



Ram Nath
Kovind
2017-



Pranab
Mukherjee
2012-2017



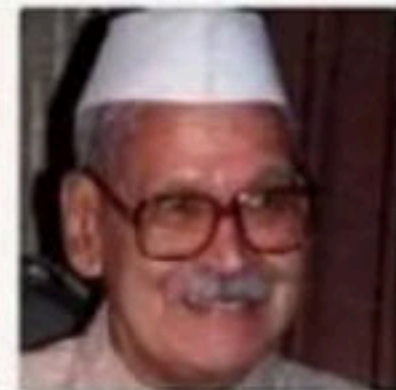
Pratibha Patil
2007-2012



A. P. J. Abdul
Kalam
2002-2007



K. R.
Narayanan
1997-2002



Shankar
Dayal Sharma
1992-1997



R.
Venkataraman
1987-1992



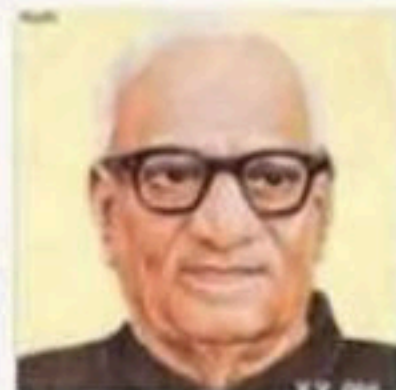
Zail Singh
1982-1987



Neelam
Sanjiva Reddy
1977-1982



Fakhruddin
Ali Ahmed
1974-1977



V. V. Giri
1969-1974



Zakir Husain
1967-1969



Sarvepalli
Radhakrishnan
1962-1967



Rajendra
Prasad
1950-1962

APPOINTMENT OF GOVERNOR



Appointed by the President by warrant under his hand and seal

Is a nominee of the central government (but is not an employment under central government as held by the SC)

Is an independent constitutional office and is not under the control of or subordinate to the Central government



QUALIFICATIONS, OATH AND CONDITIONS

QUALIFICATIONS (PRESIDENT)



1. Should be a citizen of India

2. Should've completed 35 years of age

3. Should be qualified for election as a member of Lok Sabha

4. Should not hold any office of profit under the Union govt. or any state govt. or any local authority or any other public authority

QUALIFICATIONS (PRESIDENT)



- Further, the nomination of candidate for election to the office of President must be subscribed by at least 50 electors as proposers and 50 as seconders. 100
- Every candidate has to make a security deposit of ₹15,000 in the RBI.



QUALIFICATIONS (GOVERNORS)

- The COI lays down only 2 qualifications for the appointment of a governor:

1. Should be a citizen of India

2. Should've completed 35 years of age

35

PM/CM - 25

L / -
V / -

VP - 20

KY - 20



QUALIFICATIONS (GOVERNORS)

- Additionally, 2 conventions have also developed this regard over the years:

1. Should be an outsider, i.e. should not belong to the state where he is assigned

2. While appointing the governor, the President is required to consult the CM of the state concerned

- However, both the conventions have been violated in some cases.



OATH (PRESIDENT)

In his oath, the President swears:

1. To faithfully, execute the office;
2. To preserve, protect and defend the COI and the law; &
3. To devote himself to the service and well-being of the people of India.

Oath administered by the CJI x | G - CJHC
CJI - PRESIDENT CJI





OATH (GOVERNORS)

In his oath, the ~~President~~ ^{CJ} swears:

1. To faithfully, execute the office;
2. To preserve, protect and defend the COI and the law; &
3. To devote himself to the service and well-being of the people of state.

- Oath administered by the CJ of the concerned state HC

/ CJHC



**Girish Chandra Murmu
took oath as first
lieutenant governor of
union territory of
Jammu and Kashmir.**



CONDITIONS OF PRESIDENT'S OFFICE

- ✓ Should not be a member of either House of Parliament or a House of state legislative *LS RS*
- ✓ Should not hold any other office of profit
- ✓ Is entitled, without rent, to the use of Rashtrapati Bhawan
- ✓ Entitled to such emoluments, allowances and priivileges as determined by the Parliament
- ✓ Emoluments and allowances cannot be diminished during his term of office.







CONDITIONS OF PRESIDENT'S OFFICE

- 2018: Parliament increased the Salary of the President from ₹1.50 lakh to ₹5 lakh p.m.
- 2008: Pension of the retired President was increased from ₹3 lakh p.a. to 50% of his salary p.m.



CONDITIONS OF PRESIDENT'S OFFICE

- During his term, he is **immune from any criminal proceedings**, even in respect of his personal acts.
- **Cannot** be arrested or imprisoned.
- However, after giving 2 months' notice, **civil proceedings can be instituted** against him during his term of office in respect of his personal acts.

CONDITIONS OF GOVERNOR'S OFFICE



- ✓ Should not be a member of either House of Parliament or a House of the state legislative
- ✓ Should not hold any other office of profit
- ✓ Is entitled, without rent, to the use of the Raj Bhawan (his official residence)
- ✓ Entitled to such emoluments, allowances and privileges as determined by the Parliament



RAJ BHAWAN, NAINITAL

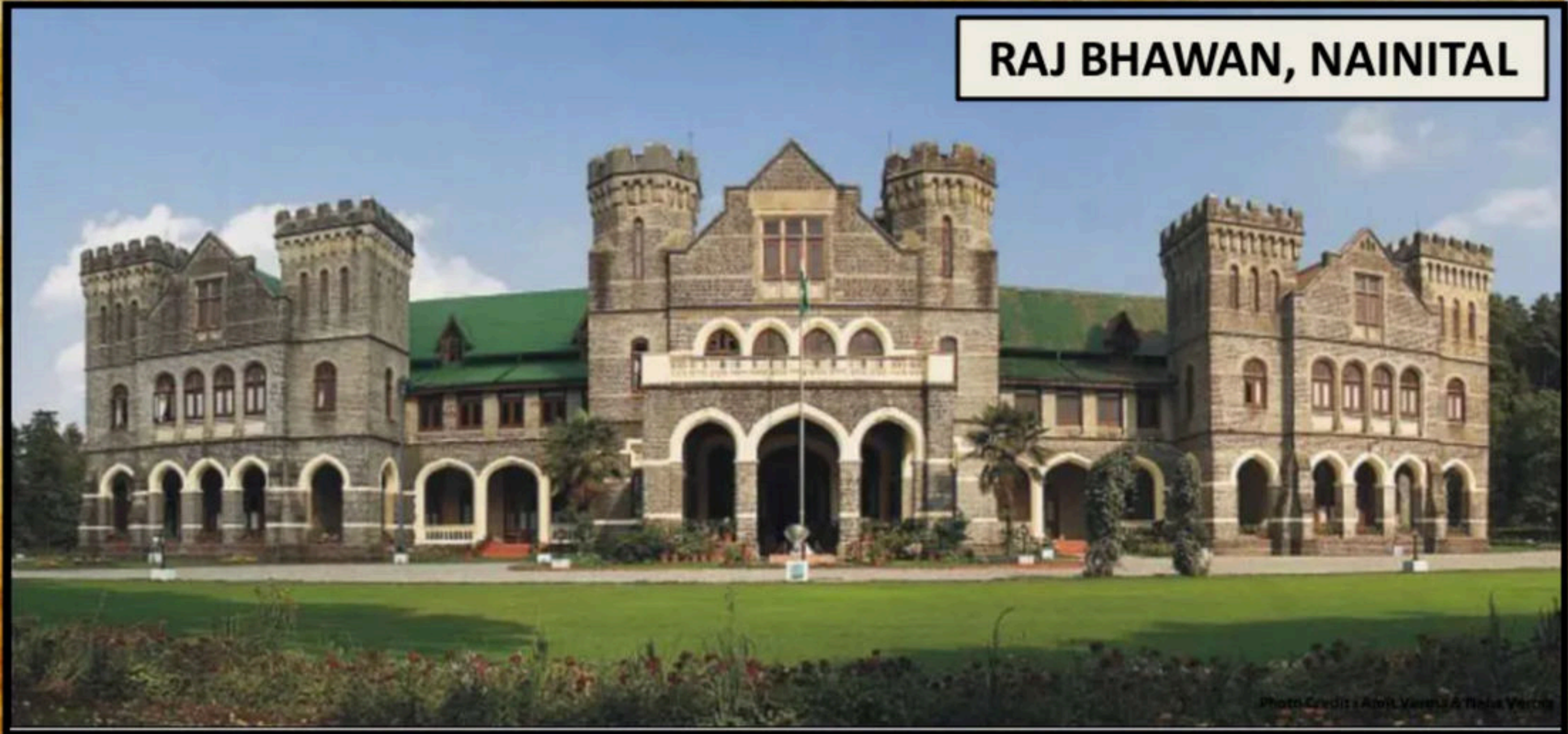


Photo Credit : Anil Verma & Neel Verma



CONDITIONS OF GOVERNOR'S OFFICE

When the same person is appointed as the governor of 2 or more states, the emoluments and allowances payable to him are shared by the states in such proportion as determined by the President

Emoluments and allowances cannot be diminished during his term of office.



CONDITIONS OF ~~PRESIDENT'S~~ OFFICE

- Like the President, during his term, he is **immune from any criminal proceedings**, even in respect of his personal acts.
- Cannot be arrested or imprisoned.
- However, after giving 2 months' notice, **civil proceedings can be instituted** against him during his term of office in respect of his personal acts.



TERM, IMPEACHMENT AND VACANCY



TERM OF PRESIDENT'S OFFICE

- A term of 5 years from the date on which he enters upon his office
- Can resign any time by addressing the resignation letter to the VP.
- Can be removed before completion of his term by the process of impeachment.

P - CJI
CJI - P
VP - VP
VP - P

4 (2 times)

2010 - 2015



TERM OF PRESIDENT'S OFFICE

- Can hold office beyond his term until his successor assumes charge.
- Also eligible for **re-election** to that office
- May be elected for any number of terms

2010 2015



IMPEACHMENT OF PRESIDENT

- The President can be removed from office by a process of impeachment for 'violation of the Constitution'.
- The impeachment charges can be initiated by either House of Parliament.

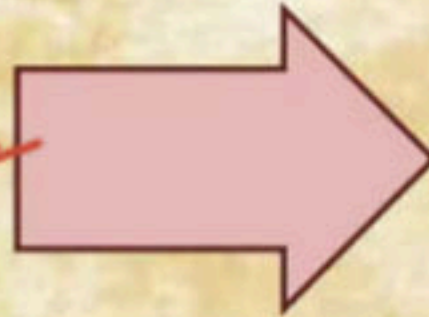
LS

RS

IMPEACHMENT OF PRESIDENT



These charges should be signed by $\frac{1}{4}^{\text{th}}$ members of the House that framed the charges and a 14 days notice should be given to the President.



After the impeachment resolution is passed by a majority of $\frac{2}{3}^{\text{rd}}$ of the total membership of that house, it is sent to the other house, which should investigate the charges.

$\frac{2}{2}$

$\frac{2}{2}$

61-ARTICLE

PARLIAMENT

IMPEACHMENT

LOK SABHA ✓

RAJYA SABHA ✓

1. START - $\frac{1}{4}$ - SUPPORT ✓

2. NOTICE - PRESIDENT ✓
(KEEP - 14 DAYS)

3. VOTING IN LS -
 $\frac{2}{3}$ SUPPORT (SPECIAL MAJORITY)

4. VOTING IN RS -
 $\frac{2}{3}$ - SUPPORT.





IMPEACHMENT OF PRESIDENT

- The President has **the right to appear and to be represented** at such investigation.
- If the other House also sustains the charges and passes the impeachment resolution by a majority of $2/3^{\text{rd}}$ of the total membership, then the **President stands removed from his office** from the date on which the resolution is so passed.

IMPEACHMENT OF PRESIDENT



Thus, an impeachment is a quasi-judicial procedure in the parliament.

✓ No president has so far been impeached.

VACANCY IN THE PRESIDENT'S OFFICE



- A vacancy in the President's office can occur in any of the following ways:

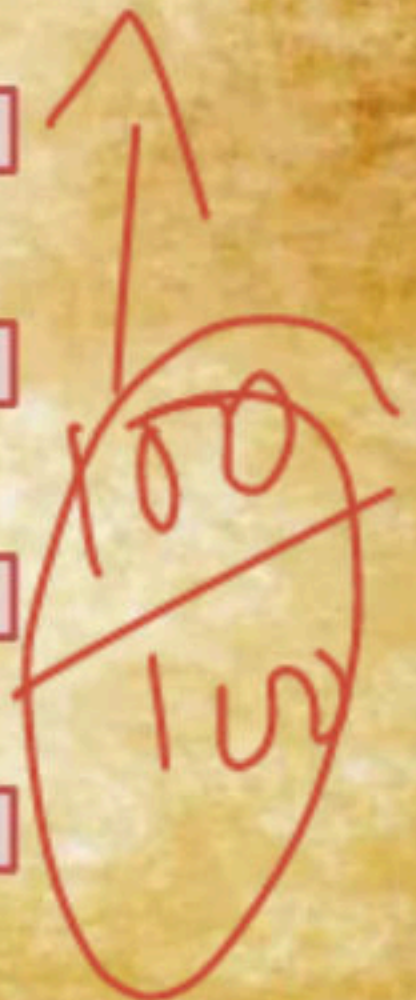
1. On the expiry of his tenure of 5 years.

2. By his resignation

3. On his removal by the process of impeachment.

4. By his death

5. Otherwise, for eg., when he becomes disqualified to hold office or when his election is declared void.



VACANCY IN THE PRESIDENT'S OFFICE



When the vacancy is caused by:

- EXPIRATION of the term of the sitting

President: an election to fill the vacancy must be held before the expiration of the term. (in case of any delay in the election, the outgoing President continues until his successor assumes charge)



VACANCY IN THE PRESIDENT'S OFFICE



When the vacancy is caused by:

- RESIGNATION, REMOVAL, DEATH or otherwise: an election to fill the vacancy must be held within 6 months from the date of the occurrence of such a vacancy. (the VP acts as the President until a new President is elected)

VACANCY IN THE PRESIDENT'S OFFICE



- When the sitting President is unable to discharge his functions due to absence, illness or any other cause, **the VP discharges his functions** until the President resumes his office.
- In case, the office of VP is vacant, the **CJI acts as the President** or discharges the functions of the President.



TERM OF GOVERNOR'S OFFICE

- A term of 5 years from the date on which he enters upon his office
- This term of 5 years is subject to the Pleasure of the President
- Can resign any time by addressing the resignation letter to the President.

TERM OF GOVERNOR'S OFFICE



- The SC held that the pleasure of the President is not justifiable.
- The Governor has no security of tenure and no fixed term of office.
- He may be removed by the President at any time.

TERM OF GOVERNOR'S OFFICE



- The President may transfer a Governor appointed to one state to another state for the rest of the term.
- Further, a Governor whose term has expired may be reappointed in the same state or any other state.



TERM OF GOVERNOR'S OFFICE

- The **President can make such provision** as he thinks fit for the discharge of the functions of the governor in any contingency not provided in the COI.
- Thus, **the CJ of the concerned state HC** may be appointed temporarily to discharge the functions of the governor of the state.



POWERS AND FUNCTIONS





1. EXECUTIVE POWERS
2. LEGISLATIVE POWERS
3. FINANCIAL POWERS
4. JUDICIAL POWERS
5. DIPLOMATIC POWERS
6. MILITARY POWERS
7. EMERGENCY POWERS



POWERS & FUNCTIONS (PRESIDENT)



EXECUTIVE POWERS (PRESIDENT)

1. All **executive actions** of the Govt. of India formally taken in his name.
2. Can **make rules** specifying the manner in which the orders & other instructions made & executed in his name shall be authenticated.
3. Can make rules **for more convenient transaction** of business of the Union govt. & for allocation of the said business among the ministers.



EXECUTIVE POWERS (PRESIDENT)

4. **Appoints** the PM and other ministers (they hold office under his pleasure)

5. **Appoints** the Attorney General of India; determines his remuneration (he holds office under his pleasure)

6. **Appoints** the CAG, Chief Election Commissioner and other election commissioners, the Chairman and members of UPSC, the Governors of states, the Chairman and members of Finance Commission and so on.



▶ < 12/30 >

The President of India, Shri Ram Nath Kovind administering the oath of office to Shri Sanjay Kothari as Central Vigilance Commissioner at Rashtrapati Bhavan on April 25, 2020.



EXECUTIVE POWERS (PRESIDENT)

7. Can **seek any information** relating to the administration of affairs of the Union, and proposals for legislation from the PM.

8. Can require the PM to submit, for consideration of the Council of Ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.

9. **Can appoint a commission** to investigate into the conditions of SCs, STs and OBCs.



EXECUTIVE POWERS (PRESIDENT)

10. Can **appoint** an inter-state council to promote Centre-state and Inter-state cooperation.

11. Directly **administers** the Union Territories through administrators appointed by him.

12. Can **declare any areas as scheduled area** and has powers with respect to the administration of scheduled areas and tribal areas.

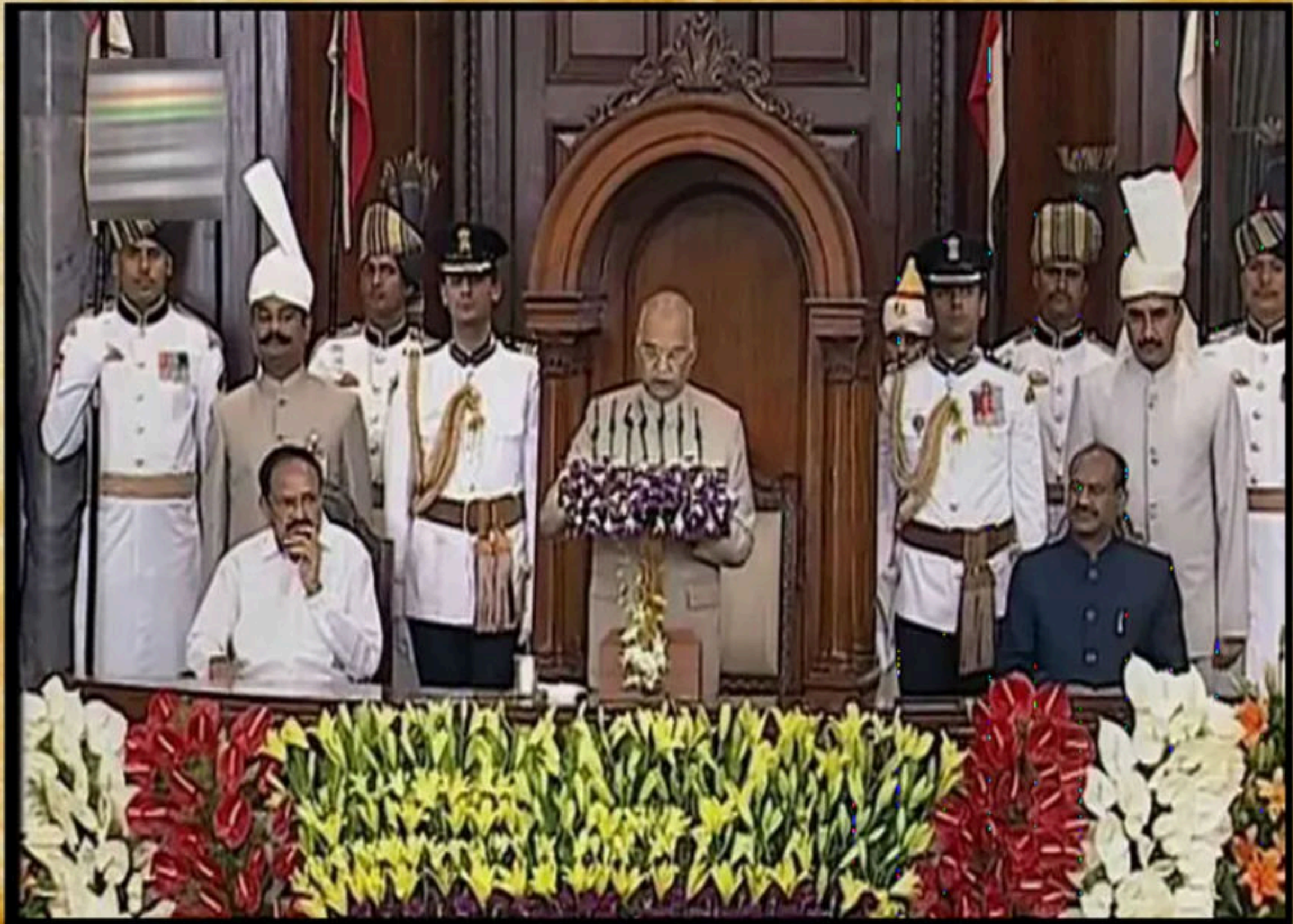
LEGISLATIVE POWERS (PRESIDENT)



1. Can summon or prorogue the Parliament and dissolve the Lok Sabha (can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha)

2. Can address the Parliament at the commencement of the 1st session after each general election & the 1st session of each year.

3. Can send messages to the Houses of Parliament, whether w.r.t. a bill pending in the Parliament or otherwise.



LEGISLATIVE POWERS (PRESIDENT)



4. Can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and Deputy Speaker fall vacant. (similarly with members of Rajya Sabha when the offices of its Chairman and Deputy Chairman fall vacant)

5. Nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.

LEGISLATIVE POWERS (PRESIDENT)



6. Can nominate 2 members to the Lok Sabha from the **Anglo-Indian Community**.

7. Decides on questions as to **disqualifications of MPs**, in consultation with the Election Commission.

8. His prior recommendation or permission is needed to introduce certain types of bills in the Parliament.

LEGISLATIVE POWERS (PRESIDENT)



9. When a **bill** is sent to the President after it has been passed by the Parliament, he can:

- i. Give his assent to the bill, or
- ii. Withhold his assent to the bill, or
- iii. Return the bill (if it is not a money bill) for reconsideration of the Parliament.

However, if the bill is passed again by the Parliament, the President has to give his assent to the bill.

LEGISLATIVE POWERS (PRESIDENT)



10. When a bill passed by a state legislature is reserved by the governor for consideration of the President, the President can:

- i. Give his assent to the bill, or
- ii. Withhold his assent to the bill, or
- iii. Direct the governor to return the bill (if it's not a money bill) for reconsideration of the state legislature. (not obligatory for him to give his assent even if the bill is again sent for his consideration)

LEGISLATIVE POWERS (PRESIDENT)



11. Can **promulgate ordinances** when the Parliament is not in session. (These ordinances must be approved by the Parliament within 6 weeks from its reassembly) Can also withdraw an ordinance at any time

12. Lays the **reports** of the CAG, UPSC, Finance Commission and others, before the Parliament

LEGISLATIVE POWERS (PRESIDENT)



13. Can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu and Ladakh. In case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved.

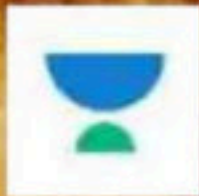


FINANCIAL POWERS (PRESIDENT)

1. **Money bills** can be introduced in the Parliament only with his prior recommendation

2. Causes to be laid before the Parliament the annual financial statement (i.e. the **union budget**)

3. No demand for a grant can be made except on his recommendation



FINANCIAL POWERS (PRESIDENT)

4. Can make advances out of the contingency fund of India to meet any unforeseen expenditure

5. Constitutes a Finance Commission after every 5 years to recommend the distribution of revenues between the Centre and the states.



JUDICIAL POWERS (PRESIDENT)

1. Appoints the CJI and the judges of SC and HCs

2. Can seek advice (non binding) from the SC on any question of law or fact

3. Can grant pardon, reprieve, respite and remission of punishment, or suspend, remit or commute the sentence of any person convicted of any offence where the punishment or sentence is by a court martial or is an offence against a Union law or cases with death sentence.



DIPLOMATIC POWERS (PRESIDENT)



The international treaties and agreements are **negotiated and concluded on his behalf**, however, are subject to the approval of Parliament. He represents India in international forums and affairs and sends and receives diplomats like ambassadors, high commissioners, and so on.



▶ < 30/30 >

The President of India, Shri Ram Nath Kovind hosted banquet in honour of the President of the United States of America, H.E. Mr. Donald J Trump at Rashtrapati Bhavan on February 25, 2020.



The Ambassador-designate of India to Finland, Shri Raveesh Kumar calling on the President of India, Shri Ram Nath Kovind at Rashtrapati Bhavan on June 22, 2020.



MILITARY POWERS (PRESIDENT)

He is the supreme commander of the defence forces of India.

In that capacity, he appoints the chiefs of the Army, the Navy and the Air Force.

He can declare war or conclude peace, subject to the approval of the Parliament.





EMERGENCY POWERS (PRESIDENT)

In addition to the normal powers mentioned above, the Constitution confers extraordinary powers on the President to deal with the following 3 types of emergencies:

1. **National Emergency** (Article 352)
2. **President's Rule** (Article 356 & 365)
3. **Financial Emergency** (Article 360)



1. EXECUTIVE POWERS
2. LEGISLATIVE POWERS
3. FINANCIAL POWERS
4. JUDICIAL POWERS



POWERS & FUNCTIONS (GOVERNOR)



EXECUTIVE POWERS (GOVERNOR)

1. All **executive actions** of the Govt. of a state formally taken in his name.

2. Can **make rules** specifying the manner in which the orders & other instructions made & executed in his name shall be authenticated.

3. Can make rules **for more convenient transaction** of business of a state govt. & for allocation of the said business among the ministers.



EXECUTIVE POWERS (GOVERNOR)

4. **Appoints** the CM and other ministers (they hold office under his pleasure); should appoint a Tribal Welfare minister in Chattisgarh, Jharkhand, MP and Odisha.

5. **Appoints** the Advocate General of a state; determines his remuneration (he holds office under his pleasure)

6. **Appoints** the state Election Commissioner and determines his conditions of service and tenure of office.



Punjab Governor VP Singh Badnore (L) during the swearing-in-ceremony of Justice Ravi Shankar Jha (R) as Chief Justice of Punjab and Haryana High Court at Punjab Raj Bhawan, Chandigarh (Oct 6, 2019)

सत्यमेव जयते



EXECUTIVE POWERS (GOVERNOR)

7. Can **seek any information** relating to the administration of affairs of the state, and proposals for legislation from the CM.

8. Can require the CM to submit, for consideration of the Council of Ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.

9. **Appoints** the Chairman and members of the state public service commission.





EXECUTIVE POWERS (GOVERNOR)

10. Can recommend the imposition of constitutional emergency in a state to the President. (During the President's rule in a state, governor enjoys extensive executive powers as an agent of the President)

11. Acts as the chancellor of universities in the state. Also appoints the vice-chancellors of universities in the state.

LEGISLATIVE POWERS (GOVERNOR)



1. Can summon or prorogue the state legislature and dissolve the state legislative assembly

2. Can address the state legislature at the commencement of the 1st session after each general election & the 1st session of each year.

3. Can send messages to the House or Houses of the state legislature, w.r.t. a bill pending in the legislature or otherwise.

LEGISLATIVE POWERS (GOVERNOR)



4. Can appoint any member of the State Legislative Assembly to preside over its proceedings when the offices of both the Speaker and Deputy Speaker fall vacant. (similarly with members of State Legislative Council when the offices of its Chairman and Deputy Chairman fall vacant)

5. Nominates $1/6^{\text{th}}$ of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.

LEGISLATIVE POWERS (GOVERNOR)



6. Can nominate 1 member to the State Legislative Assembly from the Anglo-Indian Community.

7. Decides on questions as to disqualifications of state MLAs, in consultation with the Election Commission.

LEGISLATIVE POWERS (GOVERNOR)



8. When a **bill** is sent to the **Governor** after it has been passed by the State Legislature, he can:

- i. Give his assent to the bill, or
- ii. Withhold his assent to the bill, or
- iii. Return the bill (if it is not a money bill) for reconsideration of the Parliament.

However, if the bill is passed again by the state legislature, the Governor has to give his assent to the bill, or

LEGISLATIVE POWERS (GOVERNOR)



8. iv. Reserve the bill for the consideration of the President. In one case, such reservation is obligatory, i.e., where the bill passed by the state legislature endangers the position of the state HC. In addition, he can also reserve the bill if it is:

i. Ultra-vires

ii. Opposed to the DPSP

iii. Against the larger interest of the country

iv. Of grave national importance

v. Dealing with compulsory acquisition of property under Article 31A of the COI

LEGISLATIVE POWERS (GOVERNOR)



9. Can **promulgate ordinances** when the state legislature is not in session. (These ordinances must be approved by the state legislature within 6 weeks from its reassembly) Can also withdraw an ordinance at any time

10. Lays the **reports** of the State Public Service Commission, State Finance Commission and the CAG relating to the accounts of state, before the state legislature.

LEGISLATIVE POWERS (GOVERNOR)



13. Can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu and Ladakh. In case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved.

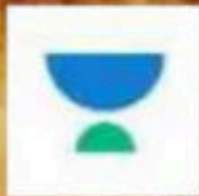


FINANCIAL POWERS (GOVERNOR)

1. **Money bills** can be introduced in the state legislature only with his prior recommendation

2. Sees that the Annual Financial Statement (**state budget**) is laid before the state legislature.

3. No demand for a grant can be made except on his recommendation



FINANCIAL POWERS (GOVERNOR)

4. Can make advances out of the contingency fund of the state to meet **any unforeseen expenditure**

5. **Constitutes a Finance Commission** after every 5 years to review the financial position of the panchayats and the municipalities.



JUDICIAL POWERS (GOVERNOR)

1. Can grant pardon, reprieves, respites and remissions of punishment, or suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

2. Is consulted by the President while appointing the judges of the concerned state HC.



JUDICIAL POWERS (GOVERNOR)

3. Makes appointments, postings and promotions of the district judges in consultation with the state HC.

4. Also appoints persons to the judicial service of the state (other than district judges) in consultation with state HC and the State Public Service Commission.



VETO POWER



VETO POWER OF THE PRESIDENT



- A **bill** passed by the Parliament can become an **act** only if it receives the assent of the President.
- When such a bill is presented to the President for his assent (under **Article 111**), he has 3 alternatives as discussed under the legislative powers of the President.

VETO POWER OF THE PRESIDENT



- Thus, the President has the veto power over the bills passed by the Parliament, i.e., he can withhold his assent to the bills.
- The object of conferring this power on the President is two-fold:

VETO POWER OF THE PRESIDENT



- The object of conferring this power on the President is two-fold:

1. To prevent hasty and ill-considered legislation by the Parliament
2. To prevent a legislation which may be unconstitutional

VETO POWER OF THE PRESIDENT



The President of India is vested with:

**ABSOLUTE
VETO**

**SUSPENSIVE
VETO**

**POCKET
VETO**



ABSOLUTE VETO (PRESIDENT)

- The power of the President to **withhold** his assent to a bill passed by the Parliament.
- The bill then ends and does not become an act.



ABSOLUTE VETO (PRESIDENT)

- Usually, this veto is exercised in 2 cases:

1. With respect to private members' bills, and

2. With respect to the govt. bills when the cabinet resigns (after passage but before assent of the bill) and the new cabinet advises the President not to give his assent to such bills.



ABSOLUTE VETO (PRESIDENT)

- 1954: President Dr. Rajendra Prasad withheld his assent to the PEPSU Appropriation Bill.
- The bill was passed when the President's rule was in operation in the state of PEPSU.
- But, when the bill was presented to the President for his assent, the President's rule was revoked.



ABSOLUTE VETO (PRESIDENT)

- 1991: President R. Venkataraman withheld his assent to the Salary, Allowances and Pension of Members of Parliament (Amendment) Bill.
- The bill was passed by the Parliament on the last day before dissolution of Lok Sabha without obtaining the previous recommendation of the President.



SUSPENSIVE VETO (PRESIDENT)

- The President exercises this veto when he **returns a bill for reconsideration** of the Parliament.
- However, it is obligatory for him to give his assent to the bill if the bill is passed again by the Parliament.



SUSPENSIVE VETO (PRESIDENT)

- This means that the Presidential veto is **overridden** by a re-passage of the bill by the same ordinary majority. (with or without the amendments)



POCKET VETO (PRESIDENT)

- The power of the President **not to take any action** (either positive or negative) on the bill.
- The President **neither ratifies nor rejects nor returns the bill**, but simply keeps the **bill pending for an infinite period**.



POCKET VETO (PRESIDENT)

- The COI **does not prescribe any time-limit** within which he has to take the decision with respect to a bill presented to him for his assent, thus giving him this veto power.



POCKET VETO (PRESIDENT)

- **1986:** President Zail Singh exercised the pocket veto w.r.t. the Indian Post Office (Amendment) Bill.
- The bill, passed by the Rajiv Gandhi Govt., imposed restrictions on the freedom of press.
- **1989:** The next President R. Venkataraman sent the bill back for reconsideration but the new National Front Govt. decided to drop the bill.

VETO POWER OF THE PRESIDENT



MONEY BILL

- The President does not possess suspensive veto in case of money bills.
- He can either give assent to a money bill or withhold his assent to a money bill, but cannot return it for the reconsideration of the Parliament.

VETO POWER OF THE PRESIDENT



MONEY BILL

- Normally, the President gives his assent to money bill as it is introduced in the Parliament with his previous permission.

VETO POWER OF THE PRESIDENT



CONSTITUTIONAL AMENDMENT BILL

- The President has **no veto power** in respect of a Constitutional Amendment Bill.
- The **24th Constitutional Amendment Act of 1971** made it **obligatory** for the President to give his assent to a Constitutional Amendment Bill.



PRESIDENTIAL VETO OVER STATE LEGISLATION

- The President has **veto power w.r.t. state legislation also.**
- A bill passed by a state legislature can become an act only with the assent of governor or the President (in case the bill is **reserved for the consideration of the President**).



PRESIDENTIAL VETO OVER STATE LEGISLATION

- **When a bill is reserved by the governor for the consideration of the President, the President has 3 alternatives (under Article 201 of the COI):**

1. May give assent to the bill, or

2. May withhold his assent to the bill, or

3. May direct the governor to return the bill (if not a money bill) for reconsideration of the State Legislature.



PRESIDENTIAL VETO OVER STATE LEGISLATION

- If the bill is passed again by the state legislature with or without amendments and presented again to the President for his assent, the President is **not bound to give his assent to the bill.**
- Means that the state legislature **cannot override the veto power of the President** and he has **Pocket Veto** in respect of state legislation as well.

VETO POWER OF THE PRESIDENT



CENTRAL LEGISLATURE

STATE LEGISLATURE

With regard to Ordinary Bills

1. Can be ratified

1. Can be ratified

2. Can be rejected

2. Can be rejected

3. Can be returned

3. Can be returned

VETO POWER OF THE PRESIDENT



CENTRAL LEGISLATURE

STATE LEGISLATURE

With regard to Money Bills

1. Can be ratified

1. Can be ratified

2. Can be rejected (but cannot be returned)

2. Can be rejected (but cannot be returned)

With regard to Constitutional Amendment Bills

1. Can only be ratified

(not introduced in the State legislature)



VETO POWER OF THE GOVERNOR

- A **bill** passed by the Legislative assembly in case of unicameral legislature or by both the Houses in case of bicameral legislature either in the 1st instance or in the 2nd instance, is presented to the Governor for his assent (under **Article 200**).
- The Governor, then, has 4 alternatives as discussed under the legislative powers of a Governor.



VETO POWER OF THE GOVERNOR

- When the Governor reserves a bill for the consideration of the President (under **Article 201**), he will not have any further role in the enactment of the bill.
- The Bill becomes an **act** only if the President gives his assent, i.e., the assent of the Governor is no longer required.

VETO POWER OF THE GOVERNOR



- Like, the President the Governor also has **Absolute Veto** (power to withhold assent), **Suspensive Veto** (power to return the bill for reconsideration) and **Pocket Veto** (power not to take any action).

VETO POWER OF THE GOVERNOR



MONEY BILL

- The Governor does not possess suspensive veto in case of money bills.
- He can either give assent to a money bill or withhold his assent to a money bill, but cannot return it for the reconsideration of the of the State Legislature.

VETO POWER OF THE GOVERNOR



MONEY BILL

- He can also reserve the bill for the consideration of the President and the assent of the Governor is, then, no longer required.
- Normally, the Governor gives his assent to money bill as it is introduced in the Parliament with his previous permission.



ORDINANCE MAKING POWER



ORDINANCE MAKING POWER

- **Article 123** of the Constitution empowers the President to promulgate ordinances during the recess of Parliament.
- These ordinances have the same force and effect as an act of the Parliament, but are in the nature of temporary laws.



ORDINANCE MAKING POWER

- **Article 213** of the Constitution empowers the Governor to promulgate ordinances during the recess of Legislative assembly.
- The ordinance making power has been vested to deal with unforeseen or urgent matters. But the exercises of this power is subject to some limitations:



ORDINANCE MAKING POWER

- The **President** can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the 2 Houses is not in session.
- The 2nd provision implies that an ordinance can also be promulgated when only 1 house is session because a law can be passed by both the Houses and not by one House alone.



ORDINANCE MAKING POWER

- A **governor** can promulgate an ordinance only when the legislative assembly is not in session (*in case of unicameral legislature*) or (*in case of bicameral legislature*) when both the Houses of the state legislature are not in session or when either of the 2 Houses of the state legislature is not in session.



ORDINANCE MAKING POWER

- The last provision implies that an ordinance can also be promulgated by the governor when only 1 house is session (in case of bicameral legislature) because a law can be passed by both the Houses and not by one House alone.



ORDINANCE MAKING POWER

- The President (the Governor in case of state legislature) can promulgate an ordinance only when he is satisfied that **circumstances exist which render it necessary for him to take immediate action.**



ORDINANCE MAKING POWER

- The ordinance making power is **co-extensive with the legislative power** of the Parliament (State Legislature in case of Governor). This means that ordinances can be issued only on those subjects on which the Parliament (in case of President) or the state legislature (in case of Governor) can make laws.



ORDINANCE MAKING POWER

- An ordinance issued by the President has the same force and effect as an act of the Parliament.
- An ordinance issued by the Governor has the same force and effect as an act of the State Legislature.



ORDINANCE MAKING POWER

- An ordinance issued by the President is subject to the same limitations as an act of the Parliament.
- An ordinance issued by the Governor is subject to the same limitations as an act of the state legislature.



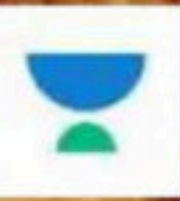
ORDINANCE MAKING POWER

- The President or the Governor can **withdraw an ordinance at any time.**
- The ordinance making power of both the President and the Governor is **not a discretionary power.**



ORDINANCE MAKING POWER

- An ordinance issued by the **President** should be laid before both the Houses of Parliament when it reassembles.
- An ordinance issued by the **Governor** should be laid before the legislative assembly or both the Houses of the state legislature (bicameral legislature) when it reassembles.



ORDINANCE MAKING POWER

- An ordinance issued by the **President** issued ceases to operate on the expiry of 6 weeks from the reassembly of Parliament. It may cease to operate even earlier, if both the Houses of Parliament pass resolutions disapproving it.



ORDINANCE MAKING POWER

- An ordinance issued by the **Governor** issued ceases to operate on the expiry of 6 weeks from the reassembly of state legislature. It may cease to operate even earlier, if a resolution disapproving it is passed by the legislative assembly and is agreed to by the legislative council (in case if a bicameral legislature).



ORDINANCE MAKING POWER

- The **President** needs no instruction for making an ordinance.
- A Governor cannot make an ordinance without the instructions from the President in 3 cases:



ORDINANCE MAKING POWER

a. If a bill containing the same provisions would've required the previous sanction of the President for its introduction in the State Legislature.

b. If he would've deemed it necessary to reserve a bill containing the same provisions for the consideration of the President.

c. If an act of the state legislature containing the same provisions would've been invalid without receiving the President's assent.



ORDINANCE MAKING POWER

- An ordinance, by the **President**, like any legislation, can be **retrospective**.
- It may modify or repeal any act of the Parliament or any other ordinance. It can alter or amend a tax law also.
- However, it **cannot** be issued to amend the Constitution.



ORDINANCE MAKING POWER

- So far, no case has gone to the Supreme Court regarding promulgation of ordinance by the President.
- But the judgement of the SC in the **D. C. Wadhwa case (1987)** is highly relevant here.



ORDINANCE MAKING POWER

- The court pointed out that b/w 1967-1981, the **Governor of Bihar promulgated 256 ordinances** and all these **were kept in force for periods ranging from 1 to 14 years** by promulgation from time to time.
- The court ruled that successive repromulgation of ordinances with the same text without any attempt to get the bills passed by the assembly would amount to **violation of the COI** and the ordinance so repromulgated is **liable to be struck down**.

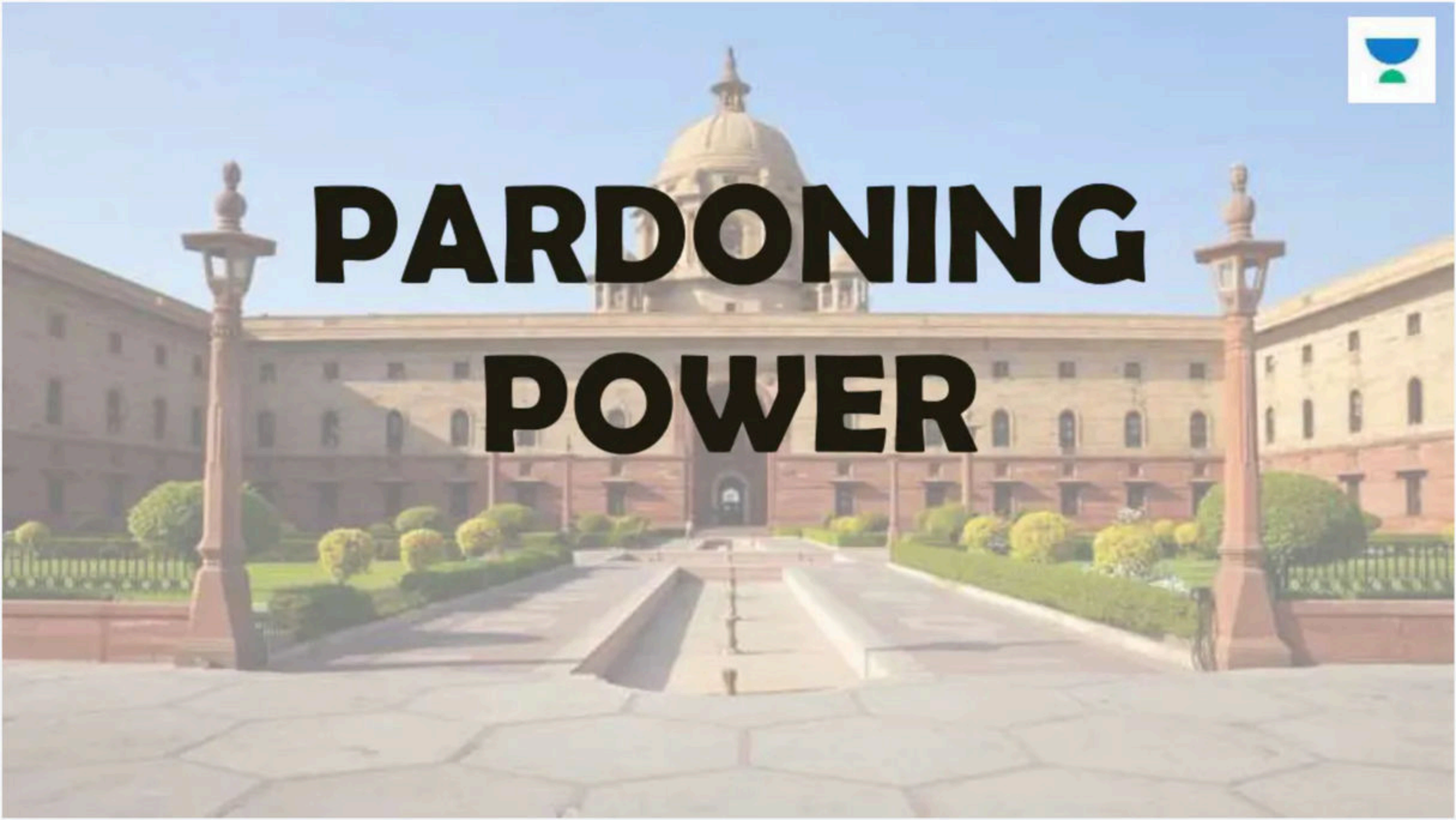


ORDINANCE MAKING POWER

- It held that the exceptional power of law making through ordinance **cannot** be used as a substitute for the legislative power of the state legislature.



PARDONING POWER





PARDONING POWER

- **Article 72** of the COI empowers the **President** to grant pardons to persons who have been tried and convicted of any offence in all cases where the punishment or sentence is:
 1. *For an offence against a Union Law;*
 2. *By a court martial;*
 3. *A sentence of death.*



PARDONING POWER

- The pardoning power is **independent of Judiciary**; it is an executive power.
- But the President, while exercising this power, does not sit in the court of appeal.



PARDONING POWER

- The **object of conferring power** on the President is two-fold:
 1. To keep the door open for correcting any judicial errors in the operation of law;
and;
 2. To afford relief from a sentence, which the President regards as unduly harsh.



PARDONING POWER

- Under **Article 161** of the COI, a **Governor** has the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against a state law.



PARDONING POWER

- However, a governor cannot pardon death sentence and possess no such power in respect to punishment or sentence by a court martial.



PARDONING POWER

The pardoning power includes:

1. PARDON

Removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.



PARDONING POWER

The pardoning power includes:

2. COMMUTATION

Denotes the substitution of one form of punishment for a lighter form. For eg., a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to simple imprisonment.



PARDONING POWER

The pardoning power includes:

3. REMISSION

Implies reducing the period of sentence without changing its character. For eg., a sentence of rigorous imprisonment for 2 years may be remitted to rigorous imprisonment of 1 year.



PARDONING POWER

The pardoning power includes:

4. RESPITE

Denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.



PARDONING POWER

The pardoning power includes:

5. REPRIEVE

Implies a stay of the execution of a sentence (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.



PARDONING POWER

- **The President has commuted death sentences to life imprisonment in at least 20 cases over the past nine years, based on the recommendations received from the Ministry of Home Affairs (MHA).**



गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

MHA RECEIVES MERCY PETITION

CREDITS:PTI



CONSTITUTIONAL POSITION



CONSTITUTIONAL POSITION

- The COI has provided for a parliamentary form of govt. in the centre as well as the states.
- Consequently, the President has been made a **nominal executive of the country**; the real executive being the Council of ministers headed by the PM.





CONSTITUTIONAL POSITION

- And, the Governor has been made **a nominal executive of the respective state**; the real executive being the Council of ministers headed by the CM.
- In estimating the constitutional position of the President, particular reference has to be made to the provisions of **Articles 53, 74 and 75**.



CONSTITUTIONAL POSITION

1. [Article 53](#): The executive power of the Union shall be vested in President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.



CONSTITUTIONAL POSITION

2. Article 74: There shall be a council of ministers with the PM at the head to aid and advise the President who 'shall', in the exercise of his functions, act in accordance with such advice.



CONSTITUTIONAL POSITION

- 3. Article 75:** The council of ministers shall be collectively responsible to the Lok Sabha. This provision is the foundation of the Parliamentary system of Government.



CONSTITUTIONAL POSITION

- The **42nd Constitutional Amendment Act of 1976** (enacted by the Indira Gandhi Govt.) made the President bound by the advice of the Council of ministers headed by the PM.



CONSTITUTIONAL POSITION

- The **44th Constitutional Amendment Act of 1978** (enacted by the Janata Party Govt. headed by Morarji Desai) authorised the President to require the Council of Ministers to reconsider such advice either generally or otherwise.



CONSTITUTIONAL POSITION

- However, he 'shall' act in accordance with the advice tendered after such reconsideration.
- In other words, the President may return a matter once for reconsideration of his ministers, but the reconsidered advice shall be binding.



CONSTITUTIONAL POSITION

- Though the President has **no constitutional discretion**, he has some **situational discretion**.
- In other words, the President can act on his discretion, i.e., without the advice of the ministers, under the following situations:



CONSTITUTIONAL POSITION

1. **Appointment of PM** when no party has a clear majority in the Lok Sabha or when the PM in office dies suddenly and there is no obvious successor.
2. **Dismissal of the Council of Ministers** when it cannot prove the confidence of the Lok Sabha.
3. **Dissolution of the Lok Sabha** if the Council of Ministers has lost its majority.



CONSTITUTIONAL POSITION

- In estimating the constitutional position of the Governor, particular reference has to be made to the provisions of **Articles 154, 163 and 164**. These are:



CONSTITUTIONAL POSITION

1. [Article 154](#): The executive power of the state shall be vested in Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.



CONSTITUTIONAL POSITION

- 2. Article 163:** There shall be a council of ministers with the CM as the head to aid and advise the Governor in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion.



CONSTITUTIONAL POSITION

3. Article 164: The council of ministers shall be collectively responsible to the legislative assembly of the state. This provision is the foundation of the Parliamentary system of Government in the state.



CONSTITUTIONAL POSITION

- It is clear that constitutional position of the Governor differs from that of the President in 2 respects:

1. While the Constitution envisages the possibility of the governor acting at times in his discretion, no such possibility has been envisaged for the President.

2. After the 42nd Constitutional Amendment (1976), ministerial advice has been made binding on the President, but no such provision has been made w.r.t. the governor.



CONSTITUTIONAL POSITION

- The COI makes it clear that if any question arises whether a matter falls within the governor's discretion or not, the decision of the governor is **final** and the validity of anything done by him **cannot be called in question** on the ground that he ought not to have acted in his discretion.



CONSTITUTIONAL POSITION

- The governor has **constitutional discretion** in the following cases:
 1. Reservation of a bill for the consideration of the President.
 2. Recommendation for the imposition of the President's Rule in the state.



CONSTITUTIONAL POSITION

3. While exercising his functions as the administrator of an adjoining union territory (in case of additional charge)
4. Seeking information from the CM with regard to the administrative and legislative matters of the state.



CONSTITUTIONAL POSITION

5. Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.



CONSTITUTIONAL POSITION

- In addition to constitutional discretion, the **governor**, like the President, also has **situational discretion**, i.e., hidden discretion derived from the exigencies of a prevailing political situation, in the following cases:



CONSTITUTIONAL POSITION

1. **Appointment of CM** when no party has a clear majority in the state legislative assembly or when the CM in office dies suddenly and there is no obvious successor.
2. **Dismissal of the Council of Ministers** when it cannot prove the confidence of the state legislative assembly.
3. **Dissolution of the state legislative assembly** if the Council of Ministers has lost its majority.



CONSTITUTIONAL POSITION

- Moreover, the Governor has **certain special responsibilities to discharge** according to the directions issued by the President.
- In this regard, the Governor, though has to consult the Council of Ministers led by the CM, acts finally on his discretion. They are:



CONSTITUTIONAL POSITION

MAHARASHTRA

- Establishment of separate development boards for Vidarbha and Marathwada.

GUJARAT

- Establishment of separate development boards for Saurashtra and Kutch.

NAGALAND

- W.r.t. law and order in the state for so long as the internal disturbance in the Naga hills-Tuensang Area continues.

ASSAM

- W.r.t. the administration of tribal areas.



CONSTITUTIONAL POSITION

MANIPUR

- Regarding the administration of the hill areas in the state.

SIKKIM

- For peace & for ensuring social & economic advancement of the different sections of the population

ARUNACHAL PRADESH

- W.r.t. law and order in the state.

KARNATAKA

- Establishment of a separate development board for Hyderabad-Karnataka region.



CONSTITUTIONAL POSITION

- Thus, the Constitution has assigned **a dual role to the office of a governor** in the Indian federal system.
- He is the constitutional head of the state as well as the representative of the Centre, i.e. the President.



ARTICLES IN THE CONSTITUTION

ARTICLES RELATED TO PRESIDENT



ARTICLE	SUBJECT-MATTER
52.	The President of India
53.	The executive power of the President
54.	Election of the President
55.	Manner of Election of the President
56.	Term of office of president
57.	Eligibility of re-election

ARTICLES RELATED TO PRESIDENT



ARTICLE	SUBJECT-MATTER
58.	Qualification for election as President
59.	Conditions of the president's office
60.	Oath or affirmation by the President
61.	Procedure for impeachment of the President
62.	Time of holding an election to fill a vacancy in the office of President

ARTICLES RELATED TO PRESIDENT



ARTICLE	SUBJECT-MATTER
65.	Vice president to act as president or to discharge his functions
71.	Matters relating to the election of the President
72.	Powers of the president to grant pardons etc. and to suspend, remit or commute sentences in certain cases

ARTICLES RELATED TO PRESIDENT



ARTICLE	SUBJECT-MATTER
74.	Council of Ministers to aid and advise the President
75.	Other provisions as to ministers like an appointment, terms, salaries, etc.
76.	Attorney General of India
77.	Conduct of business of the government of India

ARTICLES RELATED TO PRESIDENT



ARTICLE	SUBJECT-MATTER
78.	Duties of Prime Minister with respect to the furnishing of information to the president etc.
85.	Sessions of parliaments, prorogations and dissolution
111.	Assent to bills passed by the parliaments

ARTICLES RELATED TO PRESIDENT



ARTICLE	SUBJECT-MATTER
112.	Union Budget (Annual Financial statement)
123.	Power of President to promulgate ordinances
143.	Power of President to consult the Supreme Court

ARTICLES RELATED TO GOVERNOR



ARTICLE	SUBJECT-MATTER
153.	Governors of states
154.	Executive power of state
155.	Appointment of Governor
156.	Term of office of Governor
157.	Qualifications for appointment as Governor
158.	Conditions of Governor's office



ARTICLES RELATED TO GOVERNOR

ARTICLE	SUBJECT-MATTER
159.	Oath or affirmation by the Governor
160.	Discharge of the functions of the Governor in certain contingencies
161.	Power of the Governor to grant pardons and others
162.	Extent of executive power of state



ARTICLES RELATED TO GOVERNOR

ARTICLE	SUBJECT-MATTER
163.	Council of Ministers to aid and advice the Governor
164.	Other provisions as to ministers like appointments, term, salaries, and others
165.	Advocate-General for the State



ARTICLES RELATED TO GOVERNOR

ARTICLE	SUBJECT-MATTER
166.	Conduct of business of the government of a state
167.	Duties of the Chief Minister regarding furnishing of information to the Governor, and so on
174.	Sessions of the state legislature, prorogation and dissolution

ARTICLES RELATED TO GOVERNOR



ARTICLE	SUBJECT-MATTER
175.	Right of the Governor to address and send messages to the house or houses of state legislature
176.	Special address by the Governor
200.	Assent to bills (i.e. assent of the Governor to the bills passed by the state legislature)



ARTICLES RELATED TO GOVERNOR

ARTICLE	SUBJECT-MATTER
201.	Bills reserved by the Governor for consideration of the President
213.	Power of Governor to promulgate ordinances
217.	Governor being consulted by the President in the matter of the appointments of the judges of the High Courts

ARTICLES RELATED TO GOVERNOR



ARTICLE	SUBJECT-MATTER
233.	Appointment of district judges by the Governor
234.	Appointments of persons (other than district judges) to the judicial service of the state by the Governor.



THANK YOU!!

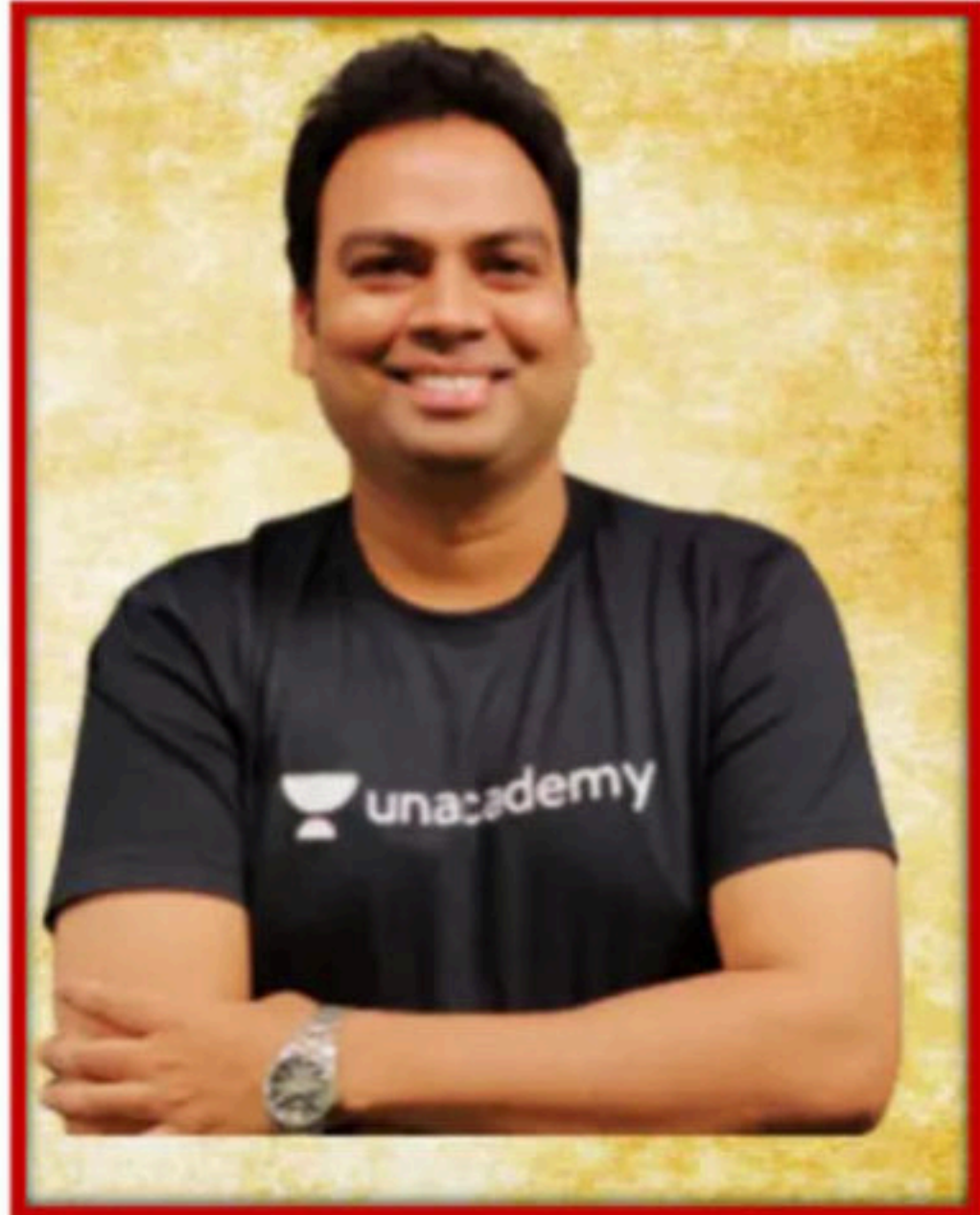


ABOUT ME:

- ❖ Faculty of GS/GK for more than 10 years
- ❖ Mentored more than 3 Lakhs students

EDUCATIONAL QUALIFICATION:

- ❖ M.A. in DELHI SCHOOL OF ECONOMICS, DSE, Delhi University
- ❖ JAWAHAR NAVODAYA VIDYALAYA NARLA,
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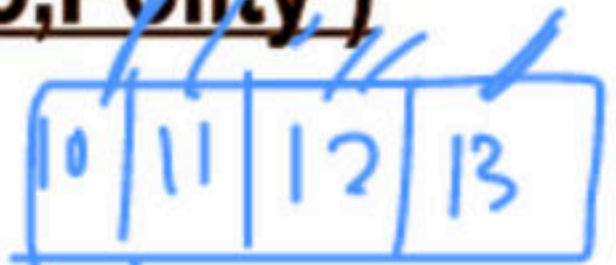
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SUBJECTS

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SUBJECTS

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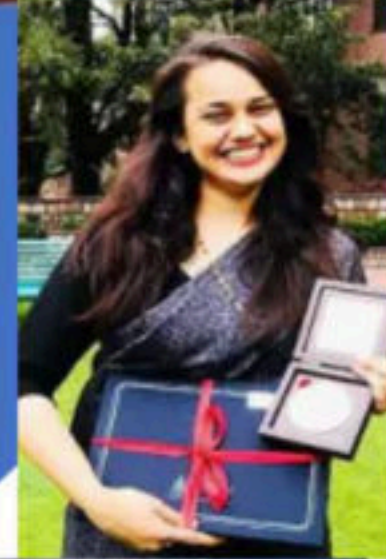
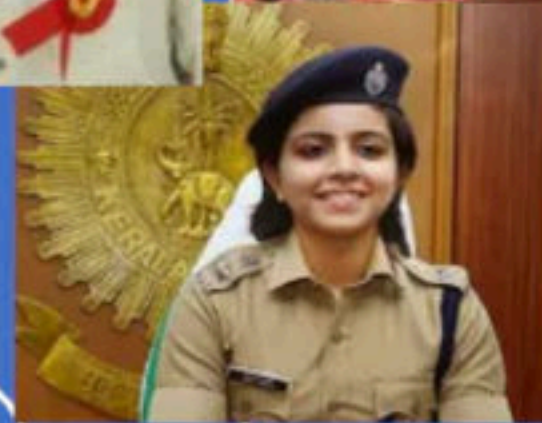
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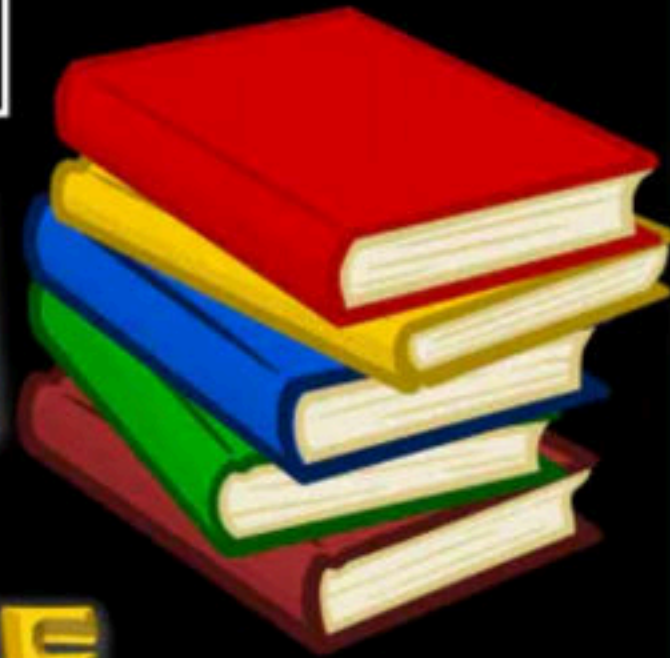
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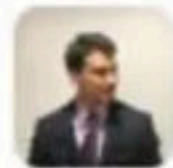


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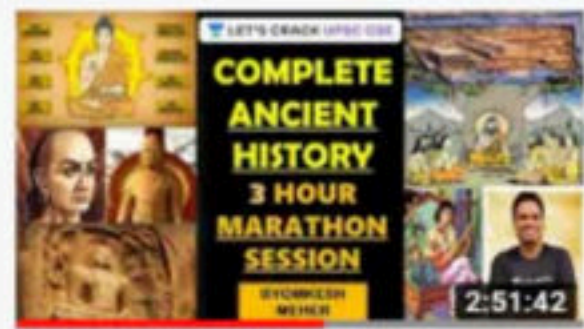
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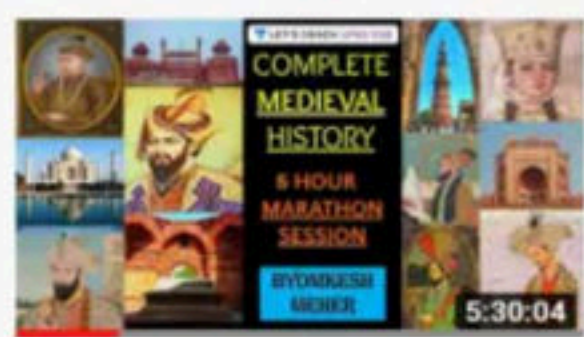
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L1: Introduction to Economics | Economics | 60 Days Crash Course for Prelims 2020 • 45:25
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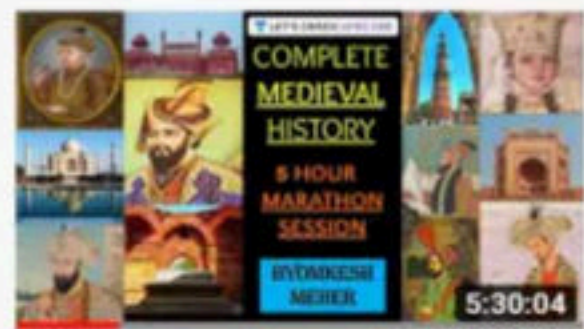
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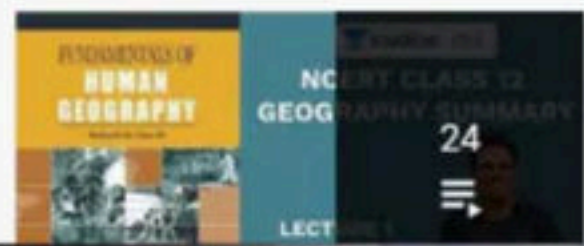
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CAUSES OF THE REVOLT

❖ Causes of the First War of Independence, 1857

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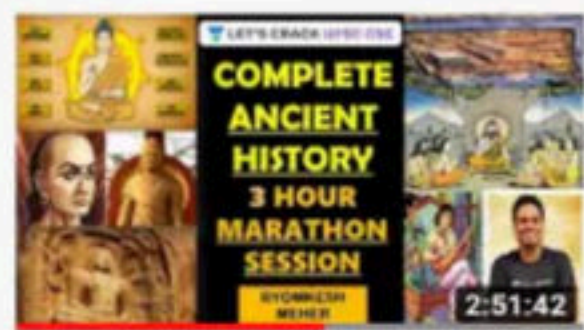
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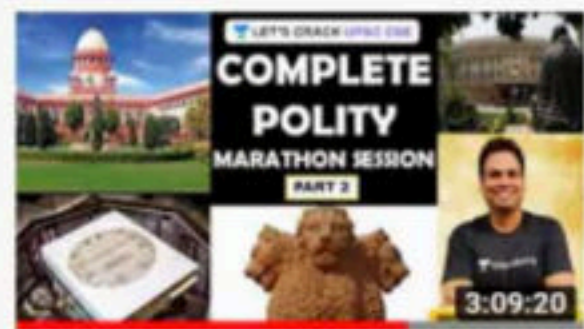


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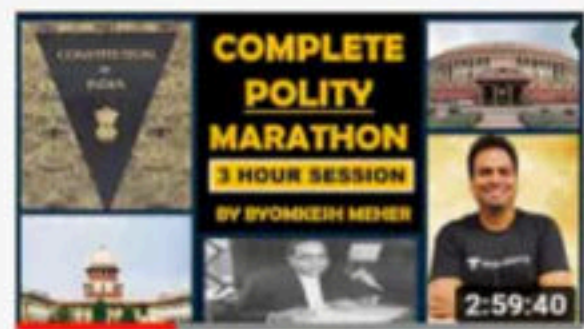
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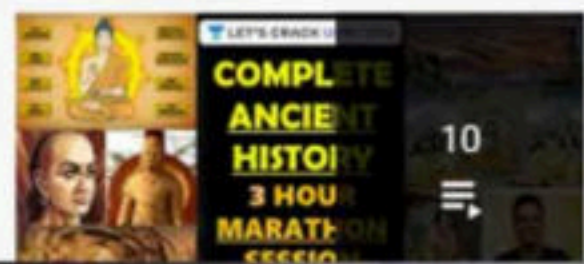
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